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ZSCALER, INC.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FINJAN, INC., a Delaware Corporation,

Plaintiff,

V.

ZSCALER, INC., a Delaware Corporation,

**Defendant.**

Case No.: 3:17-cv-6946-JST

**STIPULATION AND [PROPOSED] ORDER EXTENDING CLAIM CONSTRUCTION DEADLINES IN LIGHT OF THE COURT'S ORDER REGARDING INFRINGEMENT CONTENTIONS (DKT. 72)**

1 Pursuant to Civil Local Rules 6-1 and 7-12, Plaintiff Finjan, Inc. (“Finjan”) and Defendant  
2 Zscaler, Inc. (“Zscaler”) (collectively, the “Parties”) submit this Stipulation Extending Claim  
3 Construction Deadlines in Light of the Court’s Order Regarding Infringement Contentions at Dkt.  
4 72 (“Stipulation”).

5 WHEREAS, under Patent Local Rule 4-3, the Parties’ Joint Claim Construction and  
6 Prehearing Statement is due today, Friday, August 31, 2018;

7 WHEREAS, pursuant to the Court’s Scheduling Orders at Dkt. Nos. 53 and 69, the Court  
8 set the following deadlines regarding claim construction:

<b>Event</b>	<b>Current Deadline</b>
Joint Claim Construction and Prehearing Statement	August 31, 2018
Deadline to Exchange Expert Declarations In Support of Claim Construction	September 14, 2018 ( <i>see</i> Dkt. 69)
Claim construction discovery cut-off	October 1, 2018
Claim construction opening brief	October 16, 2018
Claim construction responsive brief	November 6, 2018
Claim construction reply brief	November 16, 2018
Tutorial	November 27, 2018 at 1:30 p.m.
Claim construction hearing	December 11, 2018 at 1:30 p.m.

19 WHEREAS, this morning the Court issued an Order Granting Zscaler’s Motion to Compel  
20 more specific infringement contentions within 45 days (Dkt. 72), and also granted Zscaler leave to  
21 amend its invalidity contentions and claim construction positions 30 days after Finjan amends its  
22 infringement contentions;

23 WHEREAS, the Parties agree that filing the Joint Claim Construction and Prehearing  
24 Statement today, as well as filing various briefs and expert declarations, and preparing for hearings,  
25 according to the existing schedule set forth above, will not be an efficient use of the Court’s or the  
26 parties’ time and resources, since Zscaler may amend its claim construction positions in mid-  
27 November pursuant to Dkt. 72;

1 WHEREAS, in order to conserve judicial and party resources, and comply with the Court's  
2 Order at Dkt. 72, the parties agree to adjust the claim construction schedule in this case as follows:

Event	Current Deadline	Adjusted [Proposed] Deadline
Deadline for Finjan to Amend its Infringement Contentions	October 15, 2018 (Dkt. No. 72)	No change
Deadline for Zscaler to Amend its Invalidity Contentions	November 14, 2018 (Dkt. No. 72)	No change
Joint Claim Construction and Prehearing Statement	August 31, 2018	December 14, 2018
Deadline to Exchange Expert Declarations In Support of Claim Construction	September 14, 2018	December 21, 2018
Claim construction discovery cut-off	October 1, 2018	January 11, 2019
Claim construction opening brief	October 16, 2018	January 22, 2019
Claim construction responsive brief	November 6, 2018	February 12, 2019
Claim construction reply brief	November 16, 2018	<del>February 23</del> February 22, 2019
Tutorial	November 27, 2018, 1:30 p.m.	<i>Subject to the Court's calendar</i> March 12, 2019 at 1:30 p.m.
Claim construction hearing	December 11, 2018, 1:30 p.m.	<i>Subject to the Court's calendar</i> March 25, 2019 at 1:30 p.m.

16 WHEREAS, this stipulation will not change or alter the date of any event or any deadline  
17 already established by Court order; and

18 WHEREAS, the schedule in this case has been modified with respect to three events. On  
19 January 12, 2018 the parties stipulated to extend the time for Zscaler to respond to the Complaint  
20 until February 12, 2018, which was effective under Civil Local Rule 6-1(a) at Dkt. 14. The  
21 settlement conference date was also rescheduled from July 13, 2018 to September 11, 2018 at Dkt.  
22 54, again to September 19, 2018 at Dkt. 67, and again to September 28, 2018 at Dkt. 70. The  
23 Court also granted the parties' stipulation to set the deadline for expert declarations in support of  
24 claim construction positions at Dkt. 69, which the parties agree to further adjust as set forth above.

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among  
2 counsel for Finjan and counsel for Zscaler that the deadlines for claim construction are adjusted as  
3 set forth above.

4 **IT IS SO STIPULATED.**

5 Respectfully submitted,

6 DATED: August 31, 2018

7 By: /s/ Austin Manes

8 Paul Andre (SBN 196585)  
9 Lisa Kobialka (SBN 191404)  
10 James Hannah (SBN 237978)  
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15 Attorneys for Plaintiff  
16 FINJAN, INC.

17 Respectfully submitted,

18 DATED: August 31, 2018

19 By: /s/Sonal N. Mehta

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22 Attorneys for Defendant  
23 ZSCALER, INC.

## **ATTESTATION**

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Austin Manes  
Austin Manes

1                   **[PROPOSED] ORDER**

2 Pursuant to stipulation, the schedule in this case is adjusted as set forth above.

3                   **IT IS SO ORDERED.**

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5 DATED: September 5, 2018

6 By:   
Hon. Jon S. Tigar  
United States District Judge

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